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Baston's Case

VINDICATED:

O R,

A Brief Account of some

Evil Practices

Of the Present

Commissioners for Sick and Wounded, &c.

As they were Prov'd:

1. Before the *Admiralty*.
 2. Before the *Council* ; And
 3. Before the *Commissioners* for Stating the
Publick Accounts.
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London, Printed in the Year, 1695.



TO THE
Lords Spiritual and Temporal, in Parliament Assembled.

May it please your Lordships.

I*F the delaying and perverting of Justice, Supporting the Guilty, and Persecuting the Innocent, and that in Matters which concern the Publick Welfare, be fit for the Cognizance of Parliaments: Then, I humbly conceive, the following Matters may not be improper for this Most August Assembly, which the Duty I owe to my King and Country, and the Impositions and hardusage*

*I have receiv'd, has oblig'd me to lay be-
fore this Most Honourable House; hum-
bly praying, all due Protection and Incour-
agement, against my many powerful Adver-
saries, so far as I have been, or shall be
found in the right; and more especially, be-
cause it will appear, I did my Duty for the
Good of the Publick, Repugnant to my own
private Interest. I am,*

With all profound Respect,

Your Lordships

Most Obedient Servant,

Samuel Baston

Balston's Case, &c.

I Was a Clerk to the Commissioners for Sick and Wounded, and Exchanging Prisoners at War, about 4 Years; towards the end of which time I came to understand the following Miscarriages; particularly that of the Prisoners at War, which I happened to know after this manner: I being part Owner of a Vessel employ'd in Transporting Prisoners at War, between *Dover* and *Callais*, the Capt. of the said Vessel was obstructed in getting his money for the Freight of the *French* Prisoners, which by the general (a) Cartel was to be paid by the Commissary of that Port in *France* where they should be landed. But at length the Capt. peremptorily demanding the said money of the Commissary at *Callais*, according to the Cartel; the Commissary told him to this effect, That he own'd the Authority of the Cartel, but had never paid any money on that account since the War; and that he could not do it without Orders from *Paris*: for that (b) Monsieur *Joseph Dalivier*, was the Man concerned in that Affair, and had a part in all the Exchange Vessels;

(a) Or Agreement between the Two Courts for a General Exchange of Prisoners.

(b) A *French* Popish Merchant, that formerly liv'd in *London*, but fled to *France* at the Revolution, there being Warrants out against him.

after which the said Capt. going to *France*, did write to *Paris* to *Joseph Dulivier*, demanding by what power he received, or stopt his money, contrary to the general Cartel ; in answer to which the said *Joseph Dulivier*, and (a) *Pater Dulivier*, his Cousin, wrote the said Capt. several Letters. But soon after this the Capt. was turned out, for a pretended Crime ; and afterwards the Ship was also shuffled out of the Service. But the Capt. giving me these Letters he received from Mr. *Dulivier*, and after I had got those translated that were written in *French*; and seeing they contain'd matters of dangerous consequence, to my great surprize, I forthwith acquainted the Commissioners therewith; and on the 27th of *October*, 1693. I laid all the said *Dulivier's* Letters before them, at a full Board; as also a Paper of *Queries* relating to the Miscarriages of the Transport Ships, which I recommended to them to enquire into ; Upon reading of which, together with the *French* Letters; some of them (especially Mr. *Addison*) * commended my Care and Zeal for the publick good, giving it their Opinion, That there was an unlawful Correspondence held with the *French* ; Otherwise, Dr. *Welwood* said, *Dulivier* must be Lunatick when he writ them Letters; and Mr. *Kirkby* said, That if *Dulivier* had a part in the Transport Ships, Mr. *Churchil*, whom they had intrusted in that Affair, was a great Villain; whereupon the Commissioners did send for Mr. *Churchil*, and one Mr. *Masters*, whom *Dulivier* had said in one of his Letters, was Partner with him ; which said *Masters* had been turn'd out by the Queens Order, signified to the Commissioners by

* From
the Teeth
out-
wards.

(a) Also a Popish Merchant, who being obnoxious to the Government, was then newly banish'd by Order of the Queen and Council ; but had a part in all the Transport Vessels.

the Secretary of State, for Actions against the Government, and had afterwards gone several Voyages to *France*, *incognito*, in contempt of her Majesties Order; and when Mr. *Churchil* and Mr. *Masters* attended the Board, and had been in with the Commissioners a little time, I was also called in; and Dr. *Wellwood* taking up the Queries which related to Mr. *Churchil*, ask'd him to this Effect, Whether he was the (a) True Owner of the Ships he solicited for, or whether he solicited for a gratuity? To which Mr. *Churchil* answered, He had as good ask him, Whether he had lain with another man's Wife? Upon which Mr. *Addison* took the Queries out of the Doctor's hand, and said, They were not fair questions. And Mr. *Kirkby* said, 'Twas no matter who were Owners, so the King's business was done; bidding me keep a Copy of what I had laid before them, hinting, that I might be sued at Law for Scandal. Some of the Commissioners also mov'd, that I might leave my *French* Letters in the Custody of * Mr. *Garrard*, their Secretary; which I Refus'd to do; answering, That if they trusted me to keep the King's Papers, I thought they might easily trust me to keep my own. Then they proceeded to examine Mr. *Masters*, (who was present asking him, How he durst go privately several Voyages to *France*, after he had been turned out by the Queens Order, for Actions against the Government? who did not only own the Fact, but very confidently answered, That he did the Nation no wrong, but good service by it: Doubtless to be burn'd.

(a) Note, When any miscarriage happen'd to be committed in the Transport Ships, Mr. *Churchill* us'd to pretend to be Owner, that by a pretended Check from the Commissioners, he might remove all Clamour from them, for corresponding with *Dubois*; and at other times I have heard him say, He had not a Stick in any of the Ships, but was paid for soliciting.

And Mr. *Churchill* (who was seated at the Board with the Commissioners) looking over the back of his Chair, told Mr. *Masters*, That he went to *France* (a) without his knowledge, and that if he was punish'd for it, he could not help it; and the Commissioners said, they would lay his Crime before the Council (though I believe 'twas the least of their Thoughts :) And Mr. *Addison* turning about, as if he was Angry, and asking Mr. *Garrard*, their present Secretary, how these matters came to pass; Mr. *Garrard* Answer'd in a passion, that they must not lay the fault upon him, for some of them knew of *Masters's* going, as well as he: This unexpected Answer drove the Commissioners to a full point, for they look'd one upon another, and made no Reply. But now the Tables are turn'd upon me, and I (it seems) am the chief offender; for Mr. *Masters* takes up the Discourse, and tells the Commissioners, That the Cause of his being turn'd out was by a malicious Information, That I had carry'd to my Lord *Nottingham's* Office; and Mr. *Churchill* back'd him, and said, He had Witness that would swear it, and mention'd one Mr. *Armstrong* in my Lord *Nottingham's* Office (a Gentleman that I know not) upon which, some of the Commissioners were angry, and Mr. *Addison* said, They would keep no Clerks that were Informers; I confess I was surpris'd at this shamming Accusation, and offer'd the Commissioners to make Oath, That neither directly, or indirectly, I never carry'd any such Information, or knew any thing of

(a) What Mr. *Churchill* denies here, he confess'd at the Admiralty; and to extenuate the Crime, pretended he sent Mr. *Masters* to *France* upon secret Service, which was known to Mr. *Secretary Trenchard*: But when the Examination came before the Council, *Secretary Trenchard* stood up, and declar'd to this Effect, That he did not know Mr. *Masters*, nor of his going; but found his Name had been made use of very unhand-
somly and scandalously

the doing thereof, challenging Mr. *Churchill* to prove it, if he was able; but this silenc'd all the other matters concerning the Correspondence with Mr. *Dulivier*; for most of the Commissioners rose from the Board in a great passion; and Mr. *Churchill* being come out of the Office, into *Scotland-Yard*, threatned me, That if I would not desist, he would make me run my Country; and Mr. *Masters* thought fit to challenge me to meet him out of the Verge of the Court, and the Secretary Mr. *Garrard* bid me have a care what I did, for Mr. *Churchill* was a Man of great Interest at Court: and I happening, upon this, to meet Mr. *Addison* coming down stairs from the Office; I acquainted him of the ill Treatment I had had from Mr. *Churchill* and *Masters*, who, walking away in haſt, very scornfully Answer'd, That he could not help me, if I would not rule my Tongue; So I finding much discouragement, and seeing the said miscarriages, and those that acted in them, encourag'd by the Commissioners, I resolv'd to lay down my Employment, and make a discovery thereof; and accordingly, about the beginning of *Feb. 1694*, I acquainted the Commissioners, at a full Board, That I designed to leave my Employment, and desir'd their Discharge, at which they seem'd extremely startled, and contrary to their former method of Threats, fell now to good words, using all manner of persuasions and Arguments with me to stay, telling me, I was only in a Passion, and desired me to consider of it till the next morning, when I would be in a better humour, which was all the Answer I could then get of them. But coming again the next day to the Board, and persisting in my Resolution to leave their Office, they all fell to make Declarations each Man for himself, That he had not Cheated the King, and ask'd me, if I believed e'er a Man at that Board had Cheated the King? I told them it was an insinuating

finaring question for me to answer while I was their Clerk; but if they would give me my Discharge, I would answer that, or any other question they should ask me; at which Mr. *Elder*, one of the Commissioners, lifted up his hands, as it were, in a frighted posture, and said, O, Gentlemen, I was ever against that (a) *Masters's* going; to which words none of the Commissioners made any Answer. But I still press'd for my discharge, and the Commissioners continued to offer more Arguments for me to stay; one of them declaring he would go an hundred Miles to serve me, saying, That if I would stay till my Father in Law came to Town, they would prevail with him to lay out a considerable Sum of Mony, and purchase me a Place, which I might hold by a Deputy, and yet continue in their Office. Mr. *Addison* also said, Mr. *Baston*, suppose we comply with all your demands, what then? To which I Answer'd, That I could not continue in their Office; the Commissioners also ask'd me how I design'd to dispose of my self? and that if I would seek any Employment, and let them know what it was, they would go in a Body and Recommend me; telling me also, That they would never consent to my leaving the Office, without the Approbation of my Father in Law, because if it should prove my Ruin, they believ'd my Father would blame them as accessory to it: But perceiving they would not give me my discharge, I acquainted them from that day forward, I was no more their Clerk; to which they answer'd, That since no perswasions would prevail with me to stay, they could not help it; and that thay hop'd I was not going to bring

(a) The same Mr. *Masters*, before spoken of; and these words of Mr. *Elder's*, confirm the Truth of what their Secretary spoke, that some of the Commissioners know of *Masters's* going as well as he.

any Complaint against them, as Mr. *Gibson* had formerly done : These and several other Arguments of like nature the Commissioners for Sick and Wounded did make use of publickly at their Board to prevail with me to stay in their Office ; and I have been a little more large in reciting these Discourses, because these Gentlemen were so shameless as to insert in their Answer to my Complaint, which they gave in Writing under four of their Hands, to the Council-Board, That they turn'd me out of their Office for Misdemeanour, hoping by the help of that monstrous untruth to have blacken'd my Reputation, and extenuated their own miscarriages.

But to proceed, finding they would not give me my discharge, I left their Office in *Feb. 1693*, with a considerable sum of Money due to me, for Travelling Charges and Salary, which I am not paid to this day ; and about the beginning of *March* following, did lay the miscarriages of these Commissioners in Writing before the Secretary of State, which met with suddain dispatch ; being within three days after sent to the Lords of the Admiralty with the King's Order thereupon, to examin into it, and make their Report to his Majesty ; whereupon their Lordships forthwith summon'd the Commissioners for Sick and Wounded, with my self, and several others concern'd, to attend their Honourable Board ; and after the Examination was perfected, their Lordships made a Report to His Majesty, a Copy of which I obtain'd about *April, 1694*. by an Order of their Lordships, (the better to enable me to prove the Complaint a second time before the Council) which Copy I have inserted as followeth.

Admiralty Office
14th. April, 94.

By the Commissioners for Executing
 the Office of Lord High Admiral
 of England and Ireland, &c.

IN Obedience to your Majesties Pleasure, signified to this Board
 by Letter from my Lord Shrewsbury, of the 8th of March
 last, for our examining into a Complaint made against the Com-
 missioners for Sick and Wounded Seamen, and Exchange of Pri-
 soners at War; of the Mismanagement of the Business under
 their Care: We having examin'd into it, do humbly make the
 following Report.

The First Article Charges the Commissioners,

*That they were informed, that Monsieur Peter and Jos. Du-
 livier, in France, were concern'd in the Transport Ships employ-
 ed in the Exchanging Prisoners between England and France,
 and that instead of their taking any Care to redress it, they dis-
 couraged those that gave them the Information.*

Upon the First Article.

*It appeared to this Board, That Dr. Welwood, one of the
 Commissioners for Sick and Wounded Seamen and Exchange of
 Prisoners, Inform'd the rest of the Board, That Mr. Baston
 told him that he could make it appear, That the Duliviers were
 concern'd in the Transport-Ships, employed in Exchange of Pri-
 soners of War, and the grounds of the Suspicions were from a
 Letter from Joseph Dulivier, to Capt. Bayley, one of the
 Masters of the Vessels, dated at Paris the 24th of February,
 1692, wherein Dulivier says, He has received his Letter from
 Bulloign, adviseing of his coming there with Prisoners, and de-
 sires to know who employed him; for that he expects to be half
 concern'd in the Passage of Prisoners brought by him, as he is
 with*

with Masters and others. And Peter Dulivior, by his Letter from Paris the 25th July, 1693. to the said Capt. Bayley, tells him, That he and his Cousin Jos. Dulivier, have been at great Charges in settling the (a) manner of Exchanging of Prisoners, and expects to have the Advantage he has already demanded, or to be at half of the Charges, and half of the Profit or Loss of the said Passages: And by another Letter from Jos. Dulivier to Mr. Majet and Exquemelin, dated at Paris the 9th September, 1693. he tells them, That he has made the Agreement about the Exchange of Prisoners on both sides, with Monsieur Delagnii, by the Order of the Commissioners of England; and from the beginning of this War has received the payment of all them that are returned; and informs them, that till this time he has a share in the Transport Vessels, which was given him by the Undertakers of the Trades, in consideration of his pains in settling that Affair; and that he was allowed by them about 30 Sous for each Prisoner brought into France. And by Jos. Dulivier's Letter of the 26th Septemb. 1693. from Paris to Capt. Bayley, (all which Letters were laid before the Commissioners by Mr. Baston) he seems to be surpriz'd that he and his Owners should deny him his small profit, and expects that they should allow him * 30 Sous for every Prisoners both French and English that they Transport; and says, he has been paid for all their passages (except the last put on shoar at Bulloign): And that if they don't think fit to comply with his Propositions, they may complain to the Commissioners. And by a Letter from Mr. Churchill

* VWhich is about 5s. in the pound.

(a) Which was a very ill manner, being private Exchanges of Man for Man, and Quality for Quality, which prov'd very tedious and prejudicial to the poor Captives; when at the same time the Dutch had an Agreement for setting open the Prison-doors on both sides; and so preserv'd the Lives of their Men by their speedy Releasement; whereas many English Prisoners, by their long Imprisonment, and barbarous usage, perish'd, and others went into the French Service.

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(which

(which was produc'd at this Board by Dr. Welwood) and Mr. Allston to Capt. Rutter, Master of the Ann Pink; an Exchange Vessel, dated at London 10th Feb. 1693. They desire, and order him to follow the Orders of their Worthy Friend Mr. Jos. Dulivier, in which he will well satisfy them. And Joseph Dulivier, in his Letter from Paris of the 21st March 1693. to Rutter, desires him according to the Order of Mr. Churchill and Allston, to go to Nantz, and there follow the Orders of Monsieur Drake: But, says, he must not load any Goods but Currans, which Port was not in the Cartell, nor were the Currans (for which leave was given by an order of Council) to be brought from any place, but St. Malo's. Mr. Kirkby, one of the Commissioners, did own to this Board, That upon Baston's producing Dulivier's Letters, he did Reprimand him, but said, It was for not producing them sooner, which Baston said, he could not, because he had them not before. Baston said, That at the second time the Query's which he laid before the Commissioners about Mr. Churchill, Duliviers and Masters, were heard, and Churchill and Masters present. Dr. Welwood took up the Queries, and Ask'd Churchill whether he was concern'd in any of the Ships he Solicited for, or sold his Interest for a Gratuity, which Churchill refus'd to Answer; upon which Mr. Addison taking the Queries out of the Doctor's Hand, said they were not fair Questions; and Mr. Kirby said, 'Twas no matter who were Owners, so the King's business was done; That Dr. Welwood told Mr. Kirby, That 'twas not fit Baston should be discourag'd; upon which the Dr. says, He was ill Treated by the Board; and upon the whole matter it appears, That upon what was laid before the Commissioners, there was reason to dismiss these Ships, where there were such grounds to believe the Duliviers were concern'd, giving this Board no other reason, Than that they had a good Opinion of Mr. Churchill; and it likewise appear'd that they discourag'd those that gave them the Information.

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The second Article complains,

That Robert Masters, Commander of one of the Transport Vessels, went every Voyage to France in her, after he had been turn'd out by order of Her Majesty, for Actions against the Government, whereby there was opportunity of giving Intelligence to the Enemy.

To which Article we refer to our Report therein, dated the 24th of March last, which is as followeth, *viz.*

My Lord Nottingham writes to the Commissioners, the 18th of November, 1692. that he was inform'd, That Masters, the Commander of one of the Vessels Employ'd by them in Exchanging Prisoners, had brought over a Lady from France, without the King's Pass, and directed them to Enquire into the matter, and to remove him, unless he could give very good reasons for what he had done; and the Commissioners, after an Examination taken, remov'd him from his Command: Sometime after Dr. Welwood acquainted the Board, That Mr. Baston Inform'd him, That Masters had been two Voyages to France in the Ship, since he was turn'd out, and the pretended Master of that Vessel was only his Servant, upon which he was again discharg'd; after this Mr. Churchill acquainting Dr. Wellwood, That he design'd to Employ Masters again, the Dr. mov'd the Board, that he might be no more Employ'd, and after some debate 'twas so resolv'd at a full Board; but the same afternoon three of the Commissioners met, and sign'd an Order for bringing over Currans, which was left blank for such Master as Mr. Churchill should appoint, which said blank was fill'd up with Masters's Name, and a Pass was likewise drawn to to be sent to the Secretary of State, and Masters's Name inserted therein by one of their Clerks, by the direction of Mr. Garrard Secretary to the Commissioners; two or three days af-

ter Dr. Welwood acquainted the Board, That Masters was Commander of the Vessel bound for France in their Service; but the Board did not revoke their Order, and he went Commander that Voyage.

It further appear'd, That when Dr. Welwood complain'd to the Board, that Masters had been two Voyages in the Ship to France, notwithstanding he was discharg'd by their Order, and ask'd the Secretary, Mr. Garrard, how it came to pass. Garrard answer'd in a passion, That some of the Commissioners knew of it as well as he.

As to this last point Dr. Welwood and Mr. Balston Affirm it, but the rest of the Commissioners, and the Secretary say, that they do not remember it.

And since this, Dr. Welwood has acquainted this Board by Letter, That Mr. Masters was Examin'd by him, in presence of the rest of the Commissioners, and voluntarily confess'd, That about October 1691. he came up the River of Thames, near the Bridge, with a Lading of Wine in a Transport Ship, having Landed his Prisoners at Dover by the way, that the said Ship and Lading was seiz'd upon by the Custom-house Officers; and as he was told afterwards, were both made Prizes, or the Wine sav'd: That immediately after the seizing the Ship, Masters was sent Master of another Transport Ship to France, in which he has hitherto continued: and because there was not a New Pass in the Office, the Old Pass for the former Ship was made use of, by changing the Name of the last Ship into that of the first: That Dulivier, before he went away, carry'd him to Mr. Churchill, and after they had been together a while alone, he was call'd in and employed by Churchill ever afterwards.

* Clerk to
Mr George
Dickinson,
the Com-
missioner's
Agent at
P^lmouth.

The Third Article complains,

That several Prisoners have made their Escape from Plymouth, by bribing * Nicholas Sharrack and Wannel the Goal-
ler :

ler : And that Mr. Dickinson, Agent to the Commissioners, abused the Prisoners, and cheated them of their allowance of Victuals.

Upon the Third Article,

It does appear to this Board, That several Irish Prisoners did make their Escape from Plymouth, and particularly (a) Fitz Geraldine, an Irish Captain of a Privateer, under the late King's Commission : And that the French Prisoners were ill used by Wannel and Sharrack, Servants to Mr. Dickinson; and Wannel was turn'd out by Mr. Dickinson, without any Order for it; but Sharrack is still continu'd; and that when Dr. Welwood was at Plymouth, and weighed the provisions appointed for the Prisoners, instead of 4 l. weight, which was allow'd them, there was not full half that weight. The Commissioners did write to Mr. Greenhil, Commissioner of the Navy at Plymouth, to examine the Masters that came from France, touching their Information of the Prisoners being ill us'd in France, who gave them an Account, that having examin'd several of the Masters, they confirm'd the Truth of their (b) Information with their Oaths : But nothing was done in it by the Commissioners, and Dickinson was continu'd in his Employment.

(a) Who was not a Prisoner at War to be Exchang'd, but a Pyrate to be try'd for his Life.

(b) This Information was sent to the Commissioners, about the 6th or 7th of July, 1693. attested under the hands of one Ben. Cooke, and about 20 other Masters of Ships, who had been Prisoners in France, and then newly return'd from St. Malo to Plymouth, setting forth, that several Irish Prisoners, &c. escaped from Plymouth, in the Transport Ships, under the Notion of French Prisoners at War, by Bribing Nicho. Sharrack, and the Goaler, and that they had spoke with several Irish Captains at St. Malo, whose Names they mention, who assur'd them, That they escaped out of Plymouth Prison by Bribery, and that any one who had money, might with ease do the like. These Masters in their information also affirm, That before the Transport Ship, (that
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brought them over to *Plymouth*) Arriv'd at *St. Malo*, they were well used, and had Liberty to walk the Town upon Bayl; but the *French* Prisoners, who came over in that Transport Ship, complaining to the Governour how Barbarously they were us'd at *Plymouth*; that they had half their Allowance kept from them, and were frequently beaten by *Wannell* the Goaler, and several of their Heads were broke by him, which they shew'd the Governour; this with other Complaints, incens'd him, that he forthwith confined all the *English* Prisoners to close Prison, using them with much Barbarity.

There are other things worthy of Note, contain'd in this Information, for which Reason (after this Report) I often mov'd at several hearings to have it produc'd, but could never obtain the same.

The Fourth Article Complains,

That the Commissioners stifled the Complaints against Mr. Dickinson for abusing the Men in their Provisions; and that they pass'd his Accounts without being sworn to.

Upon the Fourth Article,

It appears, That when Dr. Welwood and Mr. Elder, came into the Commission, they found many Complaints against Dickinson; Upon which Mr. Elder was sent to Plymouth to examine into it: And that when he returned from thence, and made his Report, Dr. Welwood mov'd the Board, that Dickinson might be turn'd out. But the Commissioners refus'd to do it, alledging, that they could find no body else to serve in his room; and after that, Dr. Welwood being at Plymouth, enquired into several complaints against Dickinson; and finding that he had taken money of a Prisoner, who was half an Englishman, to give him leave to go into the Countrey: and that he had given the Prisoners short weight of provisions, he proposed to the Board, upon his Return to London, that Dickinson might be turn'd out: but they refus'd it. It likewise appear'd, that the said Dickinson's Accounts stand open, and that none of them have been sworn to, as is the constant custom in other Ports, where the Agent, Physician and Surgeon, swear to the Accounts, to the best of their know-

knowledge, before they receive their money: As also that the Commissioners make Dickinson Debtor for the money they pay him, and Creditor on his Accounts which he does not swear to, and are not duly Examined: And that upon Baston's finding fault with his Accounts, they were taken out of his hands to be inspected by others; tho he says 'twas his business to examine all Accounts in that Office.

And Mr. Richard Gibson certifies, by a writing under his hand to this Board, That during the time he served as Clerk to the Commissioners for Sick and Wounded, there were Instructions sent to their Agents at the several Ports, sign'd by the Commissioners, at least by Three of them, and seal'd with the Seal of their Office; in which, to the best of his Remembrance and Belief, they were to (a) swear to the Truth of their Respective Accounts.

The Fifth Article complains,

That they keep their Accounts in a clandestine manner, and thereby give themselves Opportunity to cheat their Majesties.

Which Article the Complainants (b) could not make out, unless it were in the 50 l. Bill to their Secretary, which is mentioned in the 7th Article.

(a) And this Article about Swearing was, to my knowledge, in Mr. Dickinsons Instructions, tho the Commissioners always dispenc'd with the performance thereof:

(b) If this Article was not fully prov'd before the Admiralty; yet it may easily be made appear, not only by the Commissioners keeping their Books, but their shameful partiality in passing and paying Mr. Dickinsons Accounts of Plymouth, without being Sworn to, to the great wrong of King and Subject; and I remember when I left the Office I saw a Quarters Account of Mr. Dickinson, for a great sum of Mony, then about two years old, Endors'd upon the back by Mr. Garard the Commissioners Secretary, in these words, *This Account is yet to be Examined*, when it had been Posted in the Leidger, and paid long before. And in like manner, while I was in the Office, all Accounts

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that came, were posted in the Leidger by Mr. Garrard before Examination, and afterwards, as he thought fit, he gave them out to be examin'd with constant instructions not to alter the Total, but to return the Objections in Writing to him; but whether he made the just abatements, is best known to his own Conscience; it appears by Mr. Dickinson's Accounts, he did not: also in the 6th Article of this Report 'tis prov'd, That Mr. Garrard having the disposal of the King's Mony, passes his own Accounts, without any other Check; all which I think are demonstrations of keeping their Accounts in a Clandestine manner, so as to give themselves opportunity to cheat the King.

The Sixth Article complains,

That they give Additional Allowances to their Secretary and their Cashier: And that their Secretary had not accounted for any of the money imprested to him.

Upon the Sixth Article.

It appears that they do allow an Addition of Salary to their Cashier for a Clerk and Office, which the Commissioners say they think he deserves; and it likewise appears that their Secretary has not regularly accounted for any mony imprested to him, but passes his own Accounts without any other check.

The Seventh Article complains,

That when they went down to Pay the Quarters at Plymouth, they deducted 6 d. per Pound out of the Allowance for Advance-mony, and that they took away the power of the disposal of their Tallies from their Cashier, and gave it to their Secretary.

Upon the Seventh Article,

It appears, The Commissioners in 1691. acquainted the Treasury, that the Tallies could not be dispos'd of, without allowing 6 d. in the Pound Advance; That 'twas true the Commissioners did deduct more than was abated for the selling the first Tallies; but by selling other Tallies, they were out of Pocket; so that
when

when they had any Tallies to dispose of, they order'd their Cashier to beat down the Price, without giving him a power to agree; so that they are generakly dispos'd of by their Secretary, who had 50 l. in one Bill allowed him for Brokage, for procuring money upon the Talleys; which their Cashier says, they deny'd to him: and that he knew nothing of it: For 'twas mention'd in the Bill to him for advance.

That when their Cashier dispos'd of 10000 l. Talleys, without loss, Mr. Johnson, one of the Commissioners Clerks told him, he lost 50 l. by it: And the Commissioners threatned to complain of their Cashier to the Treasury, for disposing of them.

In Addition to the Second Article of the Complainers, 'tis fet forth,

That the Commissioners refus'd VWhite's Proposals, tho he offer'd to Transport the Prisoners cheaper than others.

That the Commission is in Effect managed by Mr. Addison, Mr. Kirkby and their Secretary, who oftentimes Sign for the Commissioners.

That they put the King to too much charge for the sick men near London, by not sending them to the London Hospitals.

That after the last Battle they carry'd down more Chyrurgeons to Portsmouth, to look after the sick and wounded men than was necessary, thereby putting their Majesties to an extravagant charge.

It did appear that they refus'd VWhite's Proposals, and told him, he went to take the Bread from others. That they sent him to Dulivier, who acquainted him, he could have had 20 s. per Head, but for him. That they made a Bargain for 15 s. per Head, tho VWhite made a Proposal in Writing, to do it for 10 s.

That there was a Certificate laid before us, sign'd by Three of the Commissioners, which did not appear to be their Hands, tho they said, they believed they were: But Garrard says, he thinks

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that

that he sign'd for Mr. Kirkby: and Johnson, one of the Clerks, for Mr. Addison: Collins, another of the Clerks, says, That he oft times set the Commissioners Hands to Papers, by Mr. Garrard's Order: And Johnson says, he put Mr. Kirkby's Hand to a Ticket, by Order of Mr. Addison and Mr. Shephard, which Mr. Kirkby afterwards approv'd. Dr. VVelwood being ask'd, whether he knew if this was a practice amongst them? said, he had been told it, but did not believe it: But that looking over the Copy-book, he found his Letters to several Papers, which he don't remember to have sign'd. He further says, that Mr. Kirkby propos'd to sign for Mr. Addison, and took the Pen in his Hand to do it: upon which the Dr. went from the Board. This was own'd by Mr. Kirkby. And Mr. Addison being ask'd the same Question, said, He had oftentimes seen the Commissioners Hands set to Tickets, in matters of Seamens Cloaths: Mr. Shephard says, he believes it has been done: Mr. Kirkby says, he believes it has been done for about these two Years past; and Mr. Elder believes it has been done once or twice.

It appear'd, that by the method for taking care of sick men near London, it was in the power of Mr. Cafe, the Surgeon, to send them to the Hospital the next day after he had receiv'd them; by which he was intitled to 6s. 8d. for their cure (a).

That there was a great Number of Surgeons sent down after the Battle, which the Commissioners say was for the better taking care of the men.

All which is humbly submitted to Your Majesty.

F. J. L. H. P. R. R.

(a) At Deptford the King paid 12d. a day for each man's Quarters, and 6s. 8d. for his Cure; whereas the whole charge to the King, of the London Hospitals, is but 2d. a day, and the men better taken care of; by which it appears, that in every 100 l. the King paid at Deptford, his Majesty paid above 80 l. thereof in his own wrong. The

The aforesaid Report being thus made and sign'd by Four of the Lords of the Admiralty, was carried by their Lordships, on a *Sunday* Night to *Kensington*, to be read before the King in the Cabinet-Council; but according to what the Commissioners before threatned, that if they were cast before the Admiralty, they could stop any Report from coming to the King, by removing the matter to the * Council. * To purchase delays.
So indeed it prov'd; for that Night Four of the Commissioners for Sick and Wounded, had lodg'd a Petition to the King, in the Nature of an Appeal from the Justice of the Admiralty: praying to be heard before His Majesty in Council, touching the Crimes whereof they were accus'd: And His Majesty was graciously pleas'd to Order, That the Matter should be Examin'd by a Committee of the Council on the *Wednesday* following: So that the *Admiralty's* Report (as I was inform'd) was not read to the King.

Then were the Commissioners and my self, with others concern'd, soon after summon'd before the Council: But at the first and second attending, nothing material was done, and so continued till the King was gone for *Flanders*; and then, after several days Examination before the Council, their Lordships made a Report to her late Majesty of blessed Memory; a Copy of which I have seen: And in the said Report, among other things, is contain'd, *That the Commissioners are guilty of*

PARTIALITY,
Great Mismanagement,
AND
Breach of Trust.

But after this Report was made, I found that the Sick and Wounded Office still stood as firm as ever: For I perceiv'd, tho Judgment was pass'd against them, that they had obtain'd a *Celsit Executio*, for an unlimited time; By reason of which, Execution soon went out against me: For the Commissioners, and their Emiffaries employ'd for that purpose, proclaim'd in all publick places, that *they were acquitted like worthy honest Gentlemen*; and that I appear'd to be a False Accuser; adding the opprobrious Names of *Villain, Infamer, &c.* This soon oblig'd me to look to my self: and in order to put a stop to this horrible scandal, I resolv'd to get a Copy of the Council's Report, and accordingly I petition'd the Queen and Council for the same, in the words following:

To the QUEEN'S Most Excellent Majesty, in Council.

The humble Petition of Samuel Baston.

Sheweth,

THat your Petitioner having been formerly a Clerk to the Commissioners for Sick and Wounded Seamen, &c. And seeing divers Miscarriages in their Office, which your Petitioner believed to be very prejudicial to Your Majesty, did advertise the said Commissioners thereof; but finding no redress, your Petitioner did, out of pure Zeal to your Majesty's Service, lay down his said Employment; and soon after, viz, about the beginning of March last, did lay the said Miscarriages, in Writing, before his Grace the Duke of Shrewsbury; which said Miscarriages were, by His Majesty's Command, Examined,
first

first before the Lords of the Admiralty, and after, before the Lords of Your Majesty's most Honourable Privy Council; at both which places, your Petitioner humbly conceives, he charg'd the said Commissioners with nothing but what he made appear. Yet, notwithstanding, the said Commissioners give out, That what they were Accus'd of, has prov'd to be malicious and false, and accordingly they are acquitted thereof; by which Report your Petitioner is rendred as one of the worst of Men. Those who are rightly affected to your Majesty, not knowing the true matter of Fact, believe your Petitioner to be a malicious and ill principled man; and those disaffected to your Majesty, do look upon this as a Victory they have obtain'd, and do eagerly lay hold on all opportunities to defame and ruin your Petitioner, that all men by his Example may be discourag'd from serving your Majesty in this Kind for the future: So that your Petitioner has not only the misfortune to lose all he had to depend upon in the world for a maintenance, but is like to be ruin'd in his Reputation also, which is more dear to him than Life. For preventing of which,

Your Petitioner does most humbly and earnestly pray Your Sacred Majesty graciously to order him a Copy of the Report that the Lords of the Council made to your Majesty about the Commissioners for Sick and Wounded, &c. that thereby your Petitioner may be enabled to take off the Scandal that has and will be cast upon him by the said Commissioners, or any disaffected persons: Also to enable your Petitioner to defend himself against any vexatious Suit of Law, which the said Commissioners may bring against your Petitioner for Scandal, and which they have not scrupled to threaten: By this means your Petitioner will be able to support his Reputation with all good men; otherwise (without your Majesty's gracious Protection) his Ruin will soon be accomplish'd for being so ready and zealous to serve your Majesty:

And your Petitioner shall ever pray, &c.

And

And waiting on the Clerk of the Council to know the Answer to my Petition, he told me it was read, and then laid down, and nothing ordered upon it, whether it was granted or rejected; so that I could never get a Copy of the Council's Report, to justify my self in the discharge of my duty. This put me much out of heart, being a confirmation of all the Scandals cast upon me; and thus was I left to God and the wide world, being afraid to walk the streets for a considerable time, lest I should be baited to death by the disaffected Party, &c.

But now I shall relate the Examination these Miscarriages met with before the Commissioners for stating the Publick Accounts.

When I first exhibited this Complaint to the Secretary of State in the beginning of *March 1693*. I then also presented a *Copy* thereof to the Commissioners of Accounts, where it slept quietly about five months sworn to, till the Lords of the Admiralty and Council had gone through with it, as is before related; and there being one Mr. (a) *John Leckie*, who had Signed the Complaint, being the Principal Evidence concerning the miscarriages of Mr. *Dickinson* at *Plymouth*, in barbarously using the *French* Prisoners and Seamen in the Hospital, by cheating them of the King's Allowance, with many other miscarriages supported by the Commissioners, the said Mr. *Leckie* having been before the Admiralty and Council, and having stayed in *London* a considerable time after all was over,

(a) The King's Surgeon at *Plymouth*, that took care of the sick and wounded Seamen, &c. and was an Eye-witness to all the miscarriages of Mr. *Dickinson*.

He and I did despair of ever being call'd by the Commissioners of Accounts. And Mr. *Leckie* meeting with an opportunity, went on board the *Mocho* Frigate to the *East-Indies*, on his own Affairs, about the beginning of *July*, 1694. Not long after, viz. the first of *August* following, I received an Order from the Commissioners of Accounts, requiring my attendance on them the third Instant, and I was also order'd to acquaint Mr. *Leckie* that he shou'd likewise attend at the same time. According to this Order I did attend the Commissioners of Accounts at their Office in *Tork-Buildings*, where, after I had acquainted them that Mr. *Leckie* was gone to Sea, they told me the Board had come to a Resolution to examine my Complaint, and that if I was willing to justify it, they would appoint a day for the Commissioners for Sick and Wounded, and I to attend: They also told me, that the Complaint consisting of Seven Articles, the first Three Articles, which chiefly related to a Correspondence with the *French*, did not properly lie before them; so that they resolv'd to begin at the Fourth Article: To which I answer'd, That the Fourth Article consisted chiefly of the Miscarriages of *Plymouth*: to the Truth of which Mr. *Leckie* had made Oath before them when the Complaint was first exhibited, and that his Name was written in the Margin, as the principle Witness thereto; and that I could say little to it, having never been at *Plymouth* in my Life. And I further acquainted them, That the Correspondence with the *French* was the chief Reason I laid down my Employment in order to detect it, which I lookt upon as my duty to do; and that I conceiv'd, as their Honours were Members of Parliament, it might not be improper for their cognizance to lay before the House of Commons at their next meeting; a Correspondence with the *Enemy* being a matter that

so

so much concern'd the Safety of their Country: I also acquainted them that the Fourth Article had been twice sufficiently prov'd already by Mr. *Leckie*, before the Admiralty and Council, as would appear by each of their Reports, which I thought their Honours might receive as Evidence of the truth thereof, and that seeing they thought fit to reject the most material part of the Complaint, and the principal Evidence to the rest being absent; I prayed to be excus'd any further Attendance in regard there could be no full hearing, and that I had been much fatigued already, and pray'd now to have a little rest, designing to lay all these matters before the King, at his Majesty's arrival from *Flanders*.

But notwithstanding this, and what else I urged (being twice before them) the Commissioners rejected the first three Articles of my Complaint that I was a Witness to, which related to a Correspondence with *France*, and barbarously using the *French* Prisoners, &c. And on the contrary, would oblige me to stand to that which Mr. *Leckie*, had sworn to about five Months before, and accordingly they Issued their Precept for me to attend them at their Board, and being come, I found the Commissioners for Sick and Wounded had brought one (a) Mr. *Sharrack* to be a Witness for them, and his Master *Dickinson*; and when the Commissioners of Accounts had sent for us up, the fourth article of the Complaint was read, which related to Mr. *Dickinson*, which Mr. *Sharrack* ridicul'd, saying, Not one word of it was true; and then one of the Commissioners of Accounts, who was Chairman, in the name of the Board, told me, That the Commissioners for Sick and Wounded had brought Mr. *Sharrack* to be an Evidence

(a) Late Clerk to Mr. *Dickinson* at *Plymouth*, and now in the same Employment under the new Agent.

in the behalf of Mr. *Dickinson*, and that the Board was resolv'd to hear what he could say to that matter; at which being surprized, I answer'd, that I thought he was not a proper Evidence, and laid down several reasons for it, to the Effect following,

First, That Mr. *Sharrack* himself stands accused as a Criminal in discharge of his Duty, while he was Mr. *Dickinson's* Clerk, and his Name is mention'd as such in the third Article of this Complaint; and it appears he is a Criminal, and has abused the *French* Prisoners by the third Article of the Lords of the Admiraltie's * Report; therefore to admit him a Witness upon Oath, against of which that Complaint in which he not only stands charged as a Criminal, but has been proved so, is to swear him in his own behalf, which I told their Honours I thought was contrary to Law. A Copy
I deliver-
ed at the
Board.

Secondly, That if their Honours shou'd believe what Mr. *Sharrack* was about to swear, they must of Consequence make Mr. *Leckie* Perjured, which I thought wou'd appear to be very hard dealings with a Man that is absent at Sea, who staid so long in *London* waiting their Honours Commands, and who so fairly proved these very matters twice before at the Admiralty and Council, where this Mr. *Saarrack* durst not appear to confront him.

Thirdly, That Mr. *Dickinson* being accused (I conceiv'd) ought to come up and answer for himself; for seeing I was forc'd against my Will by their Honours Precept, to attend a matter I knew little of, I thought it was too much Favour for Mr. *Dickinson*, who had been before proved a Criminal, to spare him the trouble, and suffer him thus to answer by Proxy to matters of such moment.

To which the Chairman made answer to this Effect, That all these matters in the End should be duly considered by the Board. But because Mr. *Sharrack* had taken so long a Journey on purpose, they were (a) resolved to hear what he could say. To which I replied, that I protested against their Proceedings, believing it illegal, and that, if they thought fit, I would submit my self therein to the Opinion of the Attorney General. At which they were angry, saying, I arraigned the Justice of their Board, and stood in Contempt of the Authority of their Board, &c. I answered, That their Honours could not reasonably blame me, if they considered what I had gone through already, and how much my Reputation lay at stake, for that the Commissioners for Sick and Wounded, and I, could not be all in the right, but Punishment must of necessity be due to one side or the other. But notwithstanding the Commissioners of Accounts would proceed to examine Mr. *Sharrack*; and first he produc'd an Affidavit, sworn by himself, which was read at the Board, the purport of which was to testify how long he had serv'd under Mr. *Dickinson*, and that he had manag'd all affairs for his Master, both relating to the Sick Wounded Seamen, and Prisoners at War; and that he believed nothing was acted by his Master, but he was privy to it, &c. which Affidavit I suppose was produced to make whatever he should swear, carry the greater face of truth, in reference to his knowledge of matters and things, and as a foundation whereon Mr. *Sharrack* was to build the following deposition, the sum and substance of which I shall relate as short as I can.

(a) Having from my unwillingness good grounds to believe I was not able to contradict him.

The Commissioners of Accounts having given Mr. Sharrack his Oath, they read the fourth Article of the Complaint; the first Particular of which contained these words, viz.

*That the Commissioners * for their own private Interest, connive at, and permit those employ'd under them to wrong their Majesties, appears by their passing by and stifling all Complaints made against Mr. Dickinson, their Agent at Plymouth; all which have been laid before them several times: First, his hard usage to the French Prisoners, in allowing them only Two Pence per diem a man, for the space of Fourteen Months, with a Loaf of Bread, which he gave them for a Penny, and had himself sixteen of said Penny Loaves for a Shilling; and upon Complaint made he afterwards allowed an Half Penny per Day more: That he abated an Half Penny per diem from each Prisoners Allowance, under pretence of finding them Water; which they are supplied with gratis at all other ports; neither did it cost him any thing here, he obliging one Pike a Victualler to supply them with Water for the liberty of selling them Ale. Yet the poor men had not a Pint of water a day per man; and those that went not upon the water's first coming to the Prison, had none at all, there being several Prisoners who perish'd for want of water (a).*

* For
sick and
Wound-
ed.

(a) The Seat of War being most to the Westward, caus'd great Numbers of French Prisoners to be brought into Plymouth more than other Ports, whose barbarous usage was from time to time represented to the Commissioners, not only by the poor Prisoners themselves, but also by Monsieur Delagnii, Intendant General of the Marine at Paris; in several Letters, setting forth the inhumane usage the French Prisoners had from Mr. Dickinson and his Servants, in defrauding them of their Allowance, &c. by reason whereof many of them died, with repeated Threats to use the English Prisoners with the like Cruelty, if it was not redress'd; which never being done by the Commissioners, but

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Thus

rather encouraged, was certainly the true Cause of all the misery that the *English Prisoners* suffered in *France*, in which Hundreds perished: And these Letters of *Monsieur Delagmi's*, I mov'd several times to have produc'd, but could never obtain the same.

Thus it appears Mr. *Leckie* swore there was about three Farthings *per diem* deducted from the *French Prisoners*, whose whole allowance was but Four Pence each man a day, except Commission'd Officers, whose Number was very inconsiderable; but where any such were taken (that could not handsomly be suffered to Run, or else Exchang'd for common Seamen) they were not kept to this miserable Pittance; but on the contrary, permitted to Ride up and down the Countrey, under pretence of Recovery of their Health, &c.

But now comes Mr. *Sharrack* to counter-swear what was before sworn by Mr. *Leckie*; and in order thereunto positively depones to this Effect, That he was the person that constantly paid the *French Prisoners* their allowance, and that Mr. *Dickinson* never deducted above a Farthing a day from the Prisoners, which was for supplying them with Water and Straw.

And the Chairman demanding of me, what I had to object against Mr. *Sharrack's* Oath, I answered, That tho I knew little of the Affairs of *Plymouth*, yet I was much surpriz'd at what he had sworn; and therefore I pray'd their Honours to send for the Commissioners Letter-book, where in I would shew them the Entry of a Letter that the Commissioners for Sick and Wounded writ to Mr. *Dickinson* concerning a Complaint they received against him about abusing the *French Prisoners*. And that the Commissioners in that Letter writ to Mr. *Dickinson* thus: *We hear you deduct Three Farthings a day from the Prisoners: pray let us know how it comes to be so. We know you deducted: according to*
for-

former Direction. By which, and Mr. *Dickinson's* Answer, I told their Honours they would surely find that Mr. *Sharrack* had not sworn right. But the Chairman said, 'twould put them out of their method; and that they would send for the Book to morrow. I answered, That I conceiv'd it would not hurt their method, to detect a man in a false Oath; the End of all methods in these Cases, being to find out the Truth; and therefore I insisted several times, and pray'd, That in Justice to Mr. *Leckie*, who was absent, the Book might be sent for, and produc'd while the Commissioners for Sick and Wounded, and Mr. *Sharrack*, were present, to prevent all Tricks in altering the Book, &c. that otherwise might be done before the morrow: At which one of the Commissioners of Accounts was pleas'd to say, That if I insisted to have the Book sent for, 'twas his Opinion they ought to do it; notwithstanding which I could not (a) prevail.

But before I proceed to the next part of Mr. *Sharrack's* Deposition, I shall pass to the following day when the Book was sent for, and so relate what became of this part of his Oath.

On the morrow the Commissioners for Sick and Wounded, and my self, being again before the Commissioners of Accounts, according to Order, they produc'd their Letter-Book; (But here 'tis to be noted Mr. *Sharrack* was not present, being discharg'd any further attendance the Night before) And the Letter that I mentioned being read, they

(a) Tho Mr. *Sharrack* was to be discharg'd any further attendance that Night; and it would not have taken up above a quarter of an hour to have sent for the Book, being no further than from *York-Buildings* to *Scotland-Yard*.

found in it the words before-mentioned, viz. *We hear you deduct $\frac{3}{4}$ a day from the Prisoners: pray let us know how it comes to be $\frac{3}{4}$; we know you deducted $\frac{1}{2}$ according to former direction.* But Mr. *Addison*, one of the Commissioners for Sick and Wounded, standing up, told the Chairman, he was under a little mistake in reading that part of the Letter: for them Figures which he read for Three Farthings and an Half Penny, were not so, but Three Fourths of a Farthing and half a Farthing: At which it was demanded, how they made up their Accounts with such odd Money. Very easily, May it please your honour, replied Mr. *Addison*. Then to trace the matter further, I mov'd that Mr. *Dickinson's* original Letter might be produc'd, which he writ in answer to the Commissioner's Letter, which being read, Mr. *Dickinson* said in it in his own defence, That he never deducted but a Farthing a day from the Prisoners, and desiring to see the Letter, I found the word Farthing was interlined, and the word under it blotted out; and urging to the Chairman that the Letter had been altered; he answered it could not be, seeing Mr. *Dickinson*, that wrote the Letter, had not been in Town for several Months; to which I replied, that Mr. *Sharrack* his Clerk wrote the Body of the Letter, and was last night in Town to alter it; but that he was either infatuated, or in haste when he did it, for he had not done it right, so as to bear any coherence with the Commissioner's Letter: With that Mr. *Addison* alledg'd, That Mr. *Dickinson's* saying he deducted but a farthing a day from the Prisoners was according to what Mr. *Sharrack* had sworn; but one of the Commissioners of Accounts was pleas'd to speak to the Commissioners for Sick and Wounded in this manner, Gentlemen, here is no agreement between your Letter and *Dickinson's* answer; for you write to Mr. *Dickinson* to know

know why he deducted three fourths of a Farthing from the Prisoners, and he writes you word in his answer, that he never deducted but a Farthing, which is four Fourths; so that this won't hang together at all, to which *Mr. Addison* answer'd; may it please your Honour, we writ to *Mr. Dickinson* to know why he deducted three farthings a day from the Prisoners, and he writes us word again in this Letter, that he never deducted but a Farthing, which is according to what *Mr. Sharrack* has sworn. The same Gentlemen replied, But Sir, you said just now it was three fourths of a Farthing. May it please your Honour, replied *Mr. Addison*, I could not say so, there's no such Money goes in *England*, I beg your Honour not to mistake me, I'm sure 'tis all very right, God forbid we should do an ill thing, may it please your Honour, &c. Nay Sir, says he, either you or I are in a false Story, I'll refer it to the whole Board; I'll be judg'd by your own Brethren if you did not say just now, it was three fourths of a Farthing. Yes, says Mr. * *Shepherd*, *Mr. Addison*, you did say 'twas three fourths of a Farthing, I would not contradict you though I did think you were mistaken. Well, says the Chairman, which is it three fourths of a Farthing, or three Farthings? It is three Farthings, may it please your Honour, says *Mr. Addison*. Why then, says the same Gentleman again, If you take it that way, there's still no agreement between your Letter and *Dickinson's* answer, for you write to *Mr. Dickinson* to know why he deducted three Farthings a Day from the Prisoners, and further you say, you know he deducted a half-penny according to former direction; and he writes you word in his Answer, that he never deducted but a Farthing. Now no Man in his Wits can suppose that *Dickinson* deducted less than you all allow'd him to deduct. May it please

* One of
the Com-
missioners
for Sick
and
wounded

please your Honour, says Mr. *Addison*, we never allow'd him to deduct any thing ; nay, says he, your own Letter-Book is a Witness to the contrary, wherein you do not only approve of his deducting a half-penny a day, but quote your former Order for it, or else what do you mean by them words ; we know you deducted a half-penny a day, according to former Direction ? at which Mr. *Addison* was quite gravell'd. And then I mov'd the Board to give the Commissioner's Secretary his Oath, to shew more plainly that the three fourths of a Farthing was only a prevaricating Evasion of Mr. *Addison*'s to cover the Crime ; but they were pleas'd to answer there was no need of it ; for the matter was plain enough, and they were very well satisfied how it stood. So they order'd their Clerks to take a Copy of the Commissioner's, and *Dickinson*'s Letter, and now I shall humbly submit it to better Judgment, Whether Mr. *Dickinson*'s Letter was not alter'd in reference to the Words Farthing, a Day, and also how true Mr. *Sharrack*'s Oath has been in this part : But here follows more of the same stamp.

And now I shall go back to the day before, and proceed upon Mr. *Sharrack*'s deposition. The Commissioners of Accounts having refus'd to send for the Letter-Book, as is before-mention'd, they proceeded to read the next Branch of the fourth Article, in the Complaint, which was in these Words, viz. Secondly. *That Mr. Dickinson with-held the Seawmens Allowance of meat from them, in the Hospital at Plymouth, for that in presence of one of the Commissioners four Mens Allowance of meat weighed only one Pound, six Ounces, whereas it should have weighed four Pounds. This Mr. Leckie had also sworn to.*

In opposition to to which, Mr. *Sharrack*, upon his Oath, positively affirm'd to the Effect following: (a) That he was the Person that always took Care of the Provisions for the Hospital, and that the men, such as could eat Flesh, had always full weight of Provisions, according to whole Allowance, except what small matter might reasonably be supposed to waste in the Boyling; and to shew that there was often such Complaints made upon no grounds he continues upon his Oath to give the following Instances. Sir *Cloudsey Shovell* (says he) coming a Shear one morning, the Seamen in the Hospital made complaint to him, that they had not full allowance, and that their Provisions was not good, upon which Sir *Cloudsey* came to the Hospital, and order'd me to take some pieces of the Beef out of the Copper, which were found to be full Weight; with that Sir *Cloudsey* call'd for some Bread, &c. saying he would taste this Beef, of which there was such Complaints, which he liked so well, that he eat the best part of two pieces, and blamed the men for complaining, telling them they were well used, and that the Beef was as good as any he had at his own Table. And Mr. *Sharrack* going to proceed, I interrupted, asking him, were they four Pound pieces that you swear Sir *Cloudsey Shovell* tasted of? He answer'd, yes; but the Chairman told me, I must not interrupt him and that he swore cautiously. Yes Gentlemen, replied I, he swears very cautiously, he swears Sir *Cloudsey Shovell* eat above four pound of Beef by way of a taste; and after Mr. *Sharrack* had made several Speeches, that perhaps he might be

(a) A Very unchristian Act to encourage Mr. *Sharrack* to proceed upon his Oath, when what he had sworn before smelt so strong of Perjury.

mistaken in the quantity of Beef, and he was sure there was all imaginable Care taken, and that 'twas malice against his Naster, &c. The Chairman ask'd me, what had I to object?

I answer'd, That when this Particular was Examined before the Admiralty, Doctor *Welwood* acknowledged that he was the Commissioner that Mr. *Leckie* mentions in the Complaint before whom the meat was weighed in *Plymouth* Hospital, that prov'd so much short of Weight, and that seeing Doctor *Welwood* did not now attend with the rest of the Commissioners, I pray'd he might be sent for Face to Face, with Mr. *Sharrack*, to be asked some questions about this matter, the Chairman answer'd, that he was order'd to attend with the rest of the Commissioners, but that he pretended some earnest Business, and pray'd their excuse, so they would send for him to morrow. But I continued to pray their Honours to send for him Face to Face with Mr. *Sharrack*, because he was to be discharg'd any further Attendance that Night, otherwise their Honours could not so easily discover the Truth, but I could not prevail, for the Chairman answer'd, that the next day would do as well, and that they would consider of all these matters in the End. So now I must pass to the next day (when Doctor *Welwood* was present, and Mr. *Sharrack* gone) and give an account what became of this part of Mr. *Sharrack*'s Deposition.

The next day giving my Attendance, and the Dr. being ask'd several Questions upon Oath, did answer to this Effect, That when he was at *Plymouth* there was Complaint made to him, that the Seamen in the Hospital had short Weight of Provisions; upon which he said he went to the Hospital, and causing several Pieces of the meat to be taken out of the Copper, that should have been Four Pound
piece

Peices, he found upon weighing them, that none of them was ^(a) half that weight: Upon which he said, he Reprimanded Mr. *Dickinson* and *Sharrack*; and that he hoped it was afterwards mended. Upon which I mov'd, that the Doctor might be ask'd, upon his Oath, who it was that took the Beef out of the Copper, and weighed it before him? He answered, it was Mr. *Sharrack*, who managed the Hospital under Mr. *Dickinson*: And then I referred it to their Honours to consider what an Oath Mr. *Sharrack* had yesterday made, who swore, That the men had always full Weight of Provisions in the Hospital; against whom there is first Mr. *Leckies* Oath, who was Surgeon upon the place, and an Eye-witness; and now also Dr. *Welwood* swears, that *Sharrack* himself weighed those very Provisions that were short of Weight, as aforesaid.

But now I must be forc'd again to go back to the preceding Day, to proceed upon the last part of Mr. *Sharrack's* Deposition: and I am oblig'd to take this broken method in relating it, because the Examination was not so compact as it might have been, *Sharrack* being suffer'd to swear behind Mr. *Leckies* back; and the Evidence against *Sharrack* being sworn behind his back, when they might as well have all been Face to Face. And the Commissioners of Accounts,

(a) These Proceedings were so notorious, that *Nicholas Sharrack* was generally known in the Fleet to be the Man that cheated the Seamen of their Allowance in *Plymouth* Hospital; and when he was in *London*, has confessed he durst not go to the *Navy-Office* by day-light for fear of being beaten, or kill'd by the Seamen: And I have seen a Letter to the Commissioners, under his own hand, wherein he gives them an Account of a Mutiny at *Plymouth* by the Seamen, and how they threatned to burn the Hospital; and that they assaulted his house, threatning to kill him; so that he was forc'd to withdraw into the Country; and all because of these Cheats, which were never redress'd by the Commissioners, but his Master *Dickinson* and he still protected by them.

as I have before related, not thinking fit to send for Dr. *Welwood*, they proceeded upon the next particular of the Fourth Article in the Complaint, which being read, contain'd these Words, *viz. Thirdly, That Mr. Dickenson Paid the People that Quarter the Seamen, at Five Shillings Six Pence per Week, the King's Allowance being Seven Shillings.* To this also Mr. *Leckie* had Sworn.

In opposition to which, Mr. *Sharrack* positively Swears, That he was the Person that made up his Master's Accounts, gave out the Tickets for the Sick and Wounded, and paid the Money to the People that Quarter'd them; and that there was never deducted above Six Pence in the Pound, which was for Returns of Money from *London*. And the Chairman demanding of me what I had to object, I answer'd to this Effect:

When this Article was Examined before the Admiralty, Mr. *Dickenson* was there to justify himself, and (a) Mr. *Sharrack* was left at *Plymouth*; and one of the Lords of the Admiralty, in my hearing, did Examine Mr. *Dickenson*, speaking to him in this manner.

Mr. *Dickenson*, we will not Examine you upon Oath, because 'tis against your self; but declare upon your Honour, as you are a Gentleman, what was the most that ever you deducted from the People that Quarter'd the Seamen. To which Mr. *Dickenson* answer'd, I never deducted above Twelve Pence in the Pound, which was for

(a) He being the Tool to do all the Executive Part of these Cheats, durst not then appear Face to Face with Mr. *Leckie*, but Mr. *Dickenson* was thought fitter to come up, that whatever Crimes were prov'd, he might pretend Ignorance, and shift them off to his Clerk. But so soon as Mr. *Leckie* was gone to Sea, up comes *Sharrack*, and courageously Swears a direct Negative to all that Mr. *Leckie* had sworn believing none was able to contradict him.

Returns of Money. Upon which his Honour turning to my Lord *Faultland* (who was Chairman) said, my Lord, This Matter looks with a very ill Face; for I remember some time ago, when one *Ben. Berry*, now Surgeon at *Plymouth*, brought a complaint against Mr. *Dickenson*, he also accus'd him of the same Crime that Mr. *Leckie* now do's, of making unreasonable Deductions from the People; and then we would have had Mr. *Dickenson* come up to answer for himself; but he pretending much of the King's Business, we excus'd him, and he sent up his Man, one *Nicholas Sharrack*, to justify his Proceedings: And I remember *Sharrack*, in his Master's Justification, Swore before us, That his Master never deducted above Eighteen Pence in the Pound; and now Mr. *Dickenson* declares upon his Honour, he never deducted but Twelve Pence. Therefore (added I) I pray your Honours to send to the Admiralty for the *Minutes* of Mr. *Sharrack*'s Deposition before their Lordships; for you will find that in Mr. *Berry*'s complaint (which was about *February*, 169 $\frac{1}{2}$) Mr. *Sharrack* then Swore, That Mr. *Dickenson* never deducted above Eighteen Pence in the Pound. And afterwards, before the Admiralty, Mr. *Dickenson* himself, about *April* 1694. says, he never deducted but Twelve Pence. And now Mr. *Sharrack* Swears again positively, before your Honours, he never deducted but Six Pence. To which the Commissioners answer'd, That there must be Perjury either on one side or the other; and the Chairman said, they would take care to send for the *Minutes* of the Admiralty that I had desir'd, and consider of all these matters in the end: And accordingly I left in Writing, how they should describe the said *Minutes* in their Letter or Precept to the Lords of the Admiralty; but whether they have got it, or not, I don't know. Thus in the beginning of *August*,
1694.

1694. in one Day, Mr. *Sharrack* finished his Deposition, which he came from *Plymouth* to make, and was the same Night discharg'd any further Attendance, and hurry'd out of Town again down to his Post, as an honest Man fit to serve the King.

About this time I had notice that one Capt. *White* was come for *England*, who is the Person mention'd in the Lords of the Admiralty's Report, that in the beginning of the War made a Proposal in Writing, to the Commissioners for Sick and Wounded, to Transport the Prisoners at War, for Ten Shillings *per* Head, and afterwards made a verbal Proposal to do it for Eight Shillings a Head; but he being at Sea when this Complaint was Examin'd before the Admiralty, the verbal Proposal of Eight Shillings a Head could not be fully prov'd: But now, hearing he was come for *England*, I acquainted the Commissioners of Accounts, who at my instance were pleas'd to send for him: And the said Capt. *White* prov'd before their Honours, That the Commissioners for Sick and Wounded, refus'd to employ him for Eight Shillings a Head, Mr *Addison* telling him at the Board, he could not undertake it at so low a rate; and that he did it to prejudice other Men; raising many other Difficulties and Objections, &c. and bid him go and talk with Mr. *Peter Dulivier*, and Mr. *Holder*; and that going to them, each of them told him the said Capt. *White*, he had (a) spoiled the Market, and that they could have had Twenty, if not Thirty Shillings for each *English* Passenger, had it not been for him.

(a) Note, Mr. *Holder* had then made a Proposal, in Writing, to the Commissioners, for Thirty Shillings a Head; therefore the Sharers therein, had reason to be angry with Capt. *White*, for proposing to do the same thing for Eight.

I have Mr. *Holder*'s Original Proposal of 30*s.* ready to produce.

And the Commissioners having quite discourag'd Captain *White's*, proposal of Eight Shillings a head, they presented to the Admiralty a Representation, a Copy whereof I shall insert, as followeth.

To the Right honourable the Lords Commissioners for executing the Office of Lord High Admiral of England.

The Commissioners for exchanging Prisoners at War, Represent,

THat in pursuance of an Order of his Majesty in Council, dated the 21st. of this Instant November, a Copy whereof is hereunto annexed, We have received proposals from several Persons for a Ship to carry French Prisoners at War for France, and to bring back the English Prisoners from thence, and find the Proposals of Richard Holder * of London, Merchant, to be the fairest, * which are, either to have twenty Shillings a Head for each English Prisoner he shall bring from France, or if he may have Liberty to carry to France such a quantity of English Goods as are not contraband, bringing back only Money for them, for which he will give such Security as shall be required, that then he will bring all the English Prisoners home for nothing.

The Ship is called the Elizabeth of London, Burthen Eighty Tuns, ten Men, and six great Guns, now lying in the River Thames, and ready to Launch.

We pray your Lordship's speedy Directions, which of these Proposals we shall agree upon.

29th Nov. 1689.

Tho. Addison.
Antho. Shepherd.

There are two Commissioners more that signed this Representation, whose Names I shall omit because they are dead.

And the Commissioners giving this Representation to the Admiralty, their Lordships refused to give them direction to agree for twenty Shillings a Head, accounting it an extravagant price, so the Commissioners were forced to sink the price to fifteen Shillings a head, and then they employed the same Captain *White*, with the same Ship, and Covenanted for fifteen Shillings a Head, for the same Service he had before offer'd for Eight Shillings, out of which Captain *White* allow'd gratuities to Mr. *Holder*, and *Dulivier*, at the rate of Half a Crown a Head for each Prisoner, and at the making up of one account between him and Mr. *Holder*, there was about ninetyodd Pounds of such Half-Crowns deducted from the said *White*, out of his Freight, which was done by vertue of a Collusive Agreement, or Charter-Party made privately between him and the said Mr. *Holder*, which the said *White* was oblig'd to enter into, before he could be admitted into the Service.

* One of the Commissioners for sick and Wounded.

Captain *White* did also upon Oath in my hearing relate some other things of Moment before the Commissioners of accounts. But at present I shall only mention one of them, the substance of which was, That Mr. *Addison* told him not long after the beginning of the War, as a
told

great Secret, that he knew that Monsieur *Dulivier* paid all the *French* King's Pensions to his Spies here in *England*.

This Captain *White* has the Reputation of a Person of known Integrity, and affection to the Government, and performed his Duty during the time he was employed in Transporting the Prisoners with great Zeal, in reference to discovering the designs of the *French*; but met with such unexpected disappointments and Obstructions, that he was sometimes in danger of being murther'd by the *French*, who it seems had an account of his Actions, instances of which he has given to the Commissioners of Accounts.

But however in Justice to the said Captain *White*, who is now absent at Sea, I shall here insert the Copy of a Memorial, presented by me in his behalf to the Commissioners for Accounts, in order to stop the Mouths of the Commissioners for Sick and Wounded, or any of their Party, from blackening him in his Reputation, as they have done by me and all others who have opposed their Evil Practices.

To the Honourable, the Commissioners appointed to take, State, and examine the publick Accounts, &c.

The Metuorial of *Samuell Basson*,
Sheweth,

That Captain John White who was lately before your Honours, has acquainted me, That whereas he is suddenly going a long Voyage to Sea, and not knowing if he shall ever return; and forasmuch as what he has hitherto said and sworn at your Honourable Board against
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the Commissioners for Sick and Wounded, and Prisoners at War, has been when the said Commissioners have not been present, and that nothing for the future may be alledged by the said Commissioners against him the said Captain White to prejudice his Reputation, when he shall be absent at Sea, and not present to justify himself, he the said Capt. White, has therefore desir'd me, in his behalf, to pray your Honours Precept for him to appear Face to Face, with the Commissioners for Sick and Wounded, before your Honourable Board, as soon as your Honours think fit, not only to justify and confirm what he has already said and sworn, but to hear and answer all Objections, that the said Commissioners can bring against him, and also, to declare some other Matters of Consequence to the King's Service, which as yet he has not discovered.

Thus far relating to Capt. *White*.

London, 15. Nov. 1694.

Sign'd, *Samuel Baston*.

According to the Request in this Memorial, the Commissioners for Sick and Wounded, with Capt. *White*, and my Self, were sent for by the Commissioners of Accounts, and being all present, the Memorial was read, and one of the Commissioners of Accounts, who was Chairman, told the Commissioners for Sick and Wounded to this effect, That this was the business they had sent for them upon, and that the Request was so reasonable, they could not deny it; and therefore desired them, if they had any thing to object against Capt. *White*, either to what he had said against them, or to his Reputation in general, that they would now declare it. To which Mr. *Addison* answer'd, We did not come to accuse Capt. *White*, but thought he had

had come to accuse us. But the Chairman reply'd, That is not the matter, Gentlemen, you have heard the Memorial read, Capt. *White* is going to Sea, and desires that you would now speak what you have to object against him, before he goes, and he is here ready to make answer to it, to prevent all Scandals that may be cast upon him in his absence. To which Mr. *Addison* answer'd to this effect; We have nothing to say against Capt. *White*; we always believed him to be an honest Man; and if he has been hardly us'd, we could not help it; for what we did in turning him out, was by Order. Then the Chairman was pleas'd to say, Captain, you hear that the Commissioners have nothing to say against you; and as for us, I do assure you, there is not the least Imputation upon you at this Board, but we believe you to be a very honest Man, and that you have been greatly abus'd.

Now this Business being ended before the Commissioners of Accounts, it slept all the time of the Parliament, in the Year 1694. till the beginning of *March*, 1694. The Parliament being then sitting, one Mr. *Crosfield* came to me, and told me, he design'd to bring a Petition into the House of Peers, against several Corruptions in the Government, and among the rest, he design'd to insert the Business of the Commissioners for Sick and Wounded; asking me, if I was willing to appear before the Parliament. I told him I was very willing: and thereupon I drew up a short Account of the Matter, and he plac'd it the first Article in his Petition, which was Presented to the House of Peers, the Ninth of *March*, 1694. And being called in before the House, among other things, I pray'd, That the Proceedings before the Commissioners of Accounts, might be laid before the House; which their Lordships were pleas'd to order accordingly. Then was I in great Expectation

to end this troublesome Business, that had lain so long and so heavy upon my Shoulders, while the Commissioners were supported. For I, and several others, fully concluded, That the afore-mentioned Depositions of Mr. *Sharrack*, and many other miscarriages of Forgery, &c. with all Capt. *White's* Depositions, would have come open and bare-fac'd before the House: but we were all mistaken. For about eleven Days after the Order, *viz.* the 20th. of *March*, the Commissioners of Accounts had gotten the Examination referred to them, alleadging to the House (as I was inform'd) That it was still depending before them and not finish'd; and produc'd a great bundle of Papers, saying, That was not half the Examination, &c. And accordingly it was re-committed to them by an Order of the House; and for the better discerning how their Lordships Order was observ'd, I shall insert it, as followeth,

Die Mercurii 20. Martii 1694.

IT is Order'd by the Lords Spiritual and Temporal, in Parliament assembled, That the Papers this Day deliver'd in, from the Commissioners appointed to Examine, Take, and State the Publick Accounts of this Kingdom, in pursuance of an Order of the 9th. Instant; as also all other Papers and Informations now before this House, relating to Mr. *Crösfield's* Complaint, mention'd in, or annex'd to his Petition; and which concern the Commissioners for the Sick and Wounded; be sent to the said Commissioners of Accounts, in order to their Proceeding in the further Examination of that Matter now before them: And after such Examination perfected, they transmit the Informations, and report their Observations thereupon, to this House.

Math. Johnson, Cler. Parliamentor.
'Twas

'Twas surprizing to me when I heard the Commissioners of Accounts had Represented, that the Complaint was still depending before them, and not perfected: When (as I have before related) it had from time to time lain so long dormant in their Office, both before and after Examination; which was all gone through long before in the manner aforementioned, except the first Three Articles, which their Honour totally rejected; saying, them Articles did not lie before their Board, they being only concern'd for the King's Revenue.

The getting it thus Recommitted towards the End of a Session of Parliament, procur'd about Eight Months further delay, to the great Encouragement of those accus'd, who well know that Old Crimes are seldom punish'd.

However; I hop'd for the best; and Mr. *Crosfield* and I, soon after this Order, waited upon one of the Commissioners of Accounts, at his House, praying him to speed the Examination, that a Report might be made to the House of Peers before the breaking up of the Parliament; desiring him also to think of Mr. *Sharrack's* Deposition, &c. that was past. To which he answered, (speaking to me) *Say you nothing, but keep your Tongue within your Teeth; there's a great difference now; we have an Order of the House of Lords; we know where the Shoe pinches better than you; don't trouble your self; for we'll lay our fingers upon the right place, &c.*

Thus I went away with great satisfaction, thinking all things went well; and having on the 22^d of March waited on the Commissioners of Accounts, we received their Order to attend them the 29th following, with the Commissioners for Sick and Wounded; but nothing material was done that day, or the 30th, till the 2^d of April.

April 2^d had another Hearing, when the Commissioners for Sick and Wounded had brought their Answer in Writing.

ting to the first Article, about the Correspondence ; which I pray'd to hear read ; but the Commissioners of Accounts would not grant it.

I also pray'd to have the Letter of Mr. *William Churchill* and Mr. *Samuel Alston*, produc'd and read, which is mention'd in the first Article of the Admiralty's Report ; and which I offer'd, as an Evidence of the Correspondence ; but I receiv'd Answer, that it could not be found.

Then the Commissioners of Accounts receiv'd an Accusation against me from Mr. *William Churchill*, who affirm'd, that I had carried an (a) Information to my Lord *Nottingham's* Office, by which *Robert Masters* (mentioned in the 2d Article of the Admiralty's Report) was turn'd out ; and produc'd a Letter under my Hand, as a Testimony thereof ; which being Read, the Commissioners of Accounts Examind me upon it. I answered. That the Crime was not great, if true : But if their Honours would receive Accusations against me that was forreign to the matter before them, I pray'd that Mr. *Churchil* might make Oath to the Truth of his Accusation (it being the custom of their Board to receive nothing but upon Oath), but it was not granted me : Yet the next day a discourse of this matter arising, the Commissioners administred an Oath to me to swear a Negative, wherein the Affirmative was not sworn, and all about a matter that whoever did it, ought certainly to be commended, and not condemned.

But now they came closer upon me, for they made an offer at my Life by an Accusation, wherein Mr. *Addison* pretended to make out, That I was the Criminal, and had held the Criminal Correspondence with *Dulivier*, and

(a) The Old Accusation spoken of in page 4. reviv'd.

produced a Paper, which the Commissioners of Accounts took and read, obliging me to answer for my self. I told their Honours, I conceiv'd it was not Legal to suffer the Commissioners for Sick and Wounded, to interfere with such pretended Accusations against me, before they had answer'd to what was Exhibited against them, and when they had done that, then I would answer to any thing they had to alleadge against me; for that proceeding in this method, tended only to stifle the Truth, and discourage all such as appear'd for the same. But all I could say, avail'd nothing, though one of the Commissioners of Accounts said, they ought to receive no such Accusations. But another was of a contrary mind, saying, 'Twas a Criminal Correspondence, and that they ought to take notice of it. So then the Tables were turn'd upon me, and I was oblig'd to clear my self, lest they should *Minuit* against me *pro Confesso*.

April 3. Had another Hearing, when *Robert Masters* charg'd as a Criminal in the Complaint, and adjudg'd so by the Admiralty, as *per* Second Article of their Lordships Report, was admitted a Witness upon Oath, in his own behalf, relating to the Correspondence with *Dulivier*, in which he himself was concern'd.

Now I shall give an Account of a foul Piece of Fraud, acted in a parcel of Rhubarb, and how it was this Day Sworn off before the Commissioners of Accounts.

It was Sworn at the Bar of the House of Lords by two Drug Merchants, who were Summon'd, That in *January, 1691.* they Sold to Mr. *Jonathan Leigh*, Apothecary, at publick Sale, about one Hundred and a half of Rhubarb,
at

* which is at * Four Pounds Eleven Shillings *per* Hundred; and that about nine Pence 3 Farthings *per* Pound. the said Rhubarb was damag'd, and none of it good, or fit for Medicine.

An Apothecary also being Summon'd, Depos'd, That he was Mr. *Leigh's* Apprentice, at the time the said Rhubarb was bought; and that a considerable quantity of it, by Order of the said Mr. *Leigh*, was beaten into Powder, and deliver'd into the (a) Elaboratory in the *Savoy*, for Their Majesties use. And being ask'd, He also declar'd upon Oath, That his Conscience would not give him leave to dispense such Rhubarb into Medicine: That the said Rhubarb cost but after the Rate of about Nine Pence Three Farthings *per* Pound; and that good Rhubarb, fit for Apothecaries use, was at that time worth at least, Three or Four and Twenty Shillings *per* Pound (b). This is the Substance of what was Sworn at the Bar of the House of Lords, which was transmitted in Writing, Sign'd by each Person, to the Commissioners of Accounts, pursuant to

(a) Mr. *Leigh*, and Three Apothecaries more, are appointed to prepare the Medicines for the Army, and sick and wounded Seamen; and they keep their Elaboratory in the *Savoy, London*; from whence all such Medicines issue.

(b) Concerning this Rhubarb, it was the Opinion of the President, and several of the Colledge of Physicians (whom I waited upon about this matter), that whoever took it for any Distemper where Rhubarb was the proper Medicine, must needs die for want thereof, it having no more Vertue than so much Powder of Rotten Post. Neither is this the only miscarriage of this nature that has come to light. And if such gross Errors as these could pass the inspection of all those Physicians, Apothecaries, &c. that the Commissioners for sick and wounded pretend do constantly view all their Medicines, then God and the Consciences of those concern'd, only knows what other bad medicines have been issued in like manner, for the lucre of Gain, and how many poor men have perish'd thereby.

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their Lordships Order of Reference; and this Day, viz. the Third of April, the Apothecary and Drug-Merchants, being Summon'd to attend the Commissioners of Accounts, and being sent for up, the Four Apothecaries were also call'd up; and after the former had again declar'd upon Oath, according to what has been before related, then the Commissioners of Accounts admitted the Four Apothecaries upon Oath, to Swear a Negative in their own behalf; neither were they examin'd separate, but all suffer'd to be in the Room at a time, and when one was upon his Oath, the others stood by, and did sometimes direct and help his Memory, as they saw occasion. Thus they Swore off the Matter, only one of them made a small Trip, which was this.

One of the Apothecaries (among other things) upon his Oath declar'd, That not one Grain of the Rhubarb sent in Powder to the *Savoy*, went for the use of the sick and wounded Seamen.

Then I pray'd liberty to ask him some Questions, which were these.

Sir, If that damag'd Rhubarb sent into the *Savoy* was not employ'd for the use of the sick and wounded Seamen, where then did it go? was it dispers'd among the Army? But here I was interrupted, and told, I had nothing to do with the Army: 'twas sufficient he had Sworn, that none of it went to the use of the sick and wounded Seamen.

Then I proceeded to ask him,

Sir, Upon your Oath, Do you keep the Medicines for the Army, and sick and wounded Seamen together? Or, do you distinguish which is for the Army, and which for the Sick and Wounded?

He answer'd no; there's no need of it, we keep them all together.

Then I demanded :

Sir, Upon your Oath, Are you constantly at the Laboratory in the *Savoy*, when the Invoices of Medicines sent from the sick and wounded Office, are made up to be sent to the Sea-Ports? or, who is it that attends that Service?

He answer'd, 'Tis Mr. *Anderson's* Business to look after that, for I am never there.

Then, reply'd I, How can you so positively Swear, That not one Grain of this *Rhubarb* went for the use of the sick and wounded Seamen, when the Medicines are kept together without distinction, and you are never there at the making up of the Invoices?

Thus the dark miscarriage of the *Rhubarb* was Sworn off by the Criminals themselves, and look'd upon as a slight and trivial matter.

This Part being over, I mov'd to have produc'd the Information of one *Ben. Cooke*, and about 20 other Masters of Ships; and also 2 Letter of Mounfieur *Delagny's*, which were both Inserted in the List of Witnesses given in by me the 27th. of *March*, but I could not obtain the same.

I mov'd also, that the Minuits of the Admiralty might be produc'd, concerning what *Nich. Sharrack* Swore against *Ben. Berry's* Complaint, which I had pray'd might be sent for in the List of Witnesses, of the 27th. of *March*, but could not obtain it, though it was to shew the falsity of
(*) Mr. *Sharrack's* Deposition afore-mentioned.

(*) *Vid.* the last part of his Deposition.

Saturday, April 6th had another hearing, and *Mr. Richard Gibson* attending according to Order, to be a Witness about the Proposal of *Capt. White*, the Commissioners of Accounts receiv'd an Information upon Oath, against him and me (which was forreign to the matter before them) by Three clamorous Women, brought up on purpose from *Deptford*. Neither were they examined separate, but called up all together, and being upon Oath, one was suffered to tell her Story, and the rest only ask'd, if what she said was true? And *Mr. Gibson* going to justify himself, the Commissioners were not willing to hear him: To which one of the Commissioners of Accounts said, That since they had suffered Dirt to be thrown in his Face, they ought in Honour to give him liberty to wipe it off again: So at last the Board was prevail'd with to consent to hear *Mr. Gibson's* Defence the *Thursday* following (a).

April 11th, Thursday, had another Hearing, when the Commissioners for Sick and Wounded brought one of their Clerks, their Messenger, and their Door-keeper, to be Witnesses for them. I mov'd that they might be ask'd, Whether any one had offer'd to tamper with them? Which was Refus'd.

(a) The whole business which occasion'd all this dispute, was an Accusation for receiving two shillings (a Fee allowed by the Commissioners) about the latter end of the year 1689, when *Mr. Gibson* was their Secretary; which now they were not only so shameless to deny the allowing, but also to bring up these Women to arraign *Mr. Gibson* for receiving it; and One of the Commissioners of Accounts was so very eager as to give it the Term of *Levying money upon the Subject*; which shews how ready some persons are to lay hold on all little Opportunities to defame and blacken the Reputations of those that endeavour to detect publick Frauds.

I mov'd, that Mr. *Gibson*, or my self, might be permitted to ask the Commissioners for Sick and Wounded some Questions, in Order to clear Mr. *Gibson* of the Information so unjustly charg'd upon him; but it was refus'd.

Thus Mr. *Gibson* being Summon'd as an Evidence for the King, met with very scurvy Treatment; against which the same Commissioner of Accounts, last spoken of, did several times object, declaring they ought not to have received any such Information.

Then I mov'd, That that part of the Complaint might be Examin'd which sets forth, That the Commissioners for Sick and Wounded, keep their Accounts in a Clandestine Manner, contrary to the Practice of the Navy, whereby they give themselves Opportunity to Cheat the * King — Receiv'd Answer from the Chairman, That they nor I had nothing to do, how the Commissioners for Sick and Wounded keep their Accounts.

And thus I have done with the last Examination before the Commissioners of Accounts.

But here it may not be improper to observe, That Sir *Samuel Bernadiston* left the Commissioners of Accounts, and Sir *Peter Collison* died before this Complaint came under Examination: Neither do I remember that the Honourable *Paul Foley* was at any of the aforementioned Debates, the greatest part of which happen'd in the Sitting of the Parliament.

And this Treatment being added to all the hard usage I had before undergone, and seeing my Enemies multiply upon me, I was very desirous that a final end might be put to

*Vide the Note to the 5th Article of the Admiralties Report.

this Tedious Business, and that the Commissioners of Accounts might Represent me to the House of Lords either for a Knave or an Honest Man, as they in their Consciences thought I deserv'd; and to move their Honours thereto, I wrote them the following Letter.

Honoured Gentlemen,

Hoping you will suddenly give in a Report to the House of Lords concerning my Complaint against the Commissioners for Sick and Wounded, pursuant to their Lordships Order of Reference, of the 20th of March last; but before the said Report be given in, I shall humbly beg leave to offer to your Consideration the following Particulars:

1. That I laid down my Employment to bring this Complaint, out of a love to Justice, and Zeal for the King's Service (tho directly contrary to my own private Interest at that time :) And tho there has been a Report made to the King by the Lords of the Admiralty, and also a Report by the Lords of the Council to the late Queen, of blessed Memory; both which Reports do (I conceive) set forth, That the Matter of Fact in my Complaint, is true; all which are publick Evidences, that what I did, was the Duty of a good Subject: Yet, notwithstanding, my Adversaries have been supported, and I, as though I were a Criminal, have been to this Day, not only kept out of Employment, but also left openly exposed, as a Sacrifice, to the Malice of the numerous Train of the Corrupt and Disaffected Party, to the hazard of my Life, and damage some hundreds of Pounds; so that my Case is become a publick Example to deter and affright all faithful Subjects from ever daring to do their Duty, in discovering any Crimes against the King or Kingdom for the future; and of what evil Consequence such publick Proceedings may be, to
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the discouraging Vertue and Fidelity, and Supporting, and Establishing Vice and Treachery, I shall humbly leave your Honours to Judge; because your Power, Wisdom, and Duty, to promote the Honour and Interest of your King and Country, is so far Superiour to mine.

2ly. That the Complaint Exhibited by me against the Commissioners for Sick and Wounded, does, I conceive, contain matters of great Consequence to the Publick Good, which Complaint must of necessity be either true or false; and consequently I do deserve either to be Incourag'd, or severely Punish'd.

Therefore my humble Request to your Honours is, That you will insert your Opinions of me in your Report to the House of Lords; and if you believe my Complaint is true, and that I had a design to promote the Interest of my King and Country therein, that then you will recommend me to their Lordships for Incouragement. But because I will be wholly Impartial to my self, I also pray, That if your Honours can find any just grounds to believe that my Complaint is false, That then you will not spare me, but in Justice to the Commissioners accus'd, Represent me in your Report, as an Impostor, that deserves Corporal Punishment, in such manner, as to the Wisdom of your Board, shall seem agreeable to the Rules of Justice. For, I humbly suppose, any Man that brings a false and malicious Complaint, ought to be severely punish'd for the same, otherwise no Gentleman is safe in his Reputation, or in any Office, or Grant he shall receive from the Crown.

And now, Honoured Gentleman, I most humbly pray you to speed your Report, and to Consider of, and Answer, these my Just Requests; In doing which, I assure my self, that you will thoroughly consult the Merits of the Cause, for the good of your Country, according to the Rules of down-right Justice (without
regard

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regard to Persons or Factions) so as not to spill innocent Blood on either side. For, I conceive, it is morally impossible, That the Commissioners Accus'd, and I their Accuser, can all be Honest Men. I am

Your Honours most Humble

London, April
19. 1695.

And Obedient Servant,

Samuel Bastno.

(*on*)

F I N I S.
